

# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

400E0194

## HOUSE BILL NO. 1063

Introduced by: The Committee on Agriculture and Natural Resources at the request of the  
Department of Game, Fish and Parks

1 FOR AN ACT ENTITLED, An Act to revise the time required for removal of an ice house from  
2 public waters of the state and to revise the time that failure to remove the ice house is  
3 deemed abandonment.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That § 41-12-3 be amended to read as follows:

6 41-12-3. It is a Class 2 misdemeanor for any person to set, place, erect, or cause to be set,  
7 placed, or erected, or to use any fishing house, fishing shanty, or other structure or shelter at any  
8 time upon the ice of any of the public waters of the state unless the name and address of the  
9 owner is plainly marked on its exterior in letters at least two inches in height, and the door  
10 ~~thereto~~ is constructed to permit entry at all times to the structure, except when unoccupied and  
11 locked from the outside; ~~or to permit any such house, shanty, or other structure or shelter to~~  
12 ~~remain on the ice after the fifth day of March of each year.~~ Any portable shelter which is  
13 removed from the ice daily is exempt from the marking requirements. A portable shelter may be  
14 placed upon the ice of any public waters of the state ~~after March fifth~~ at any time if the shelter  
15 is removed daily. The Game, Fish and Parks Commission shall promulgate rules pursuant to

1 chapter 1-26 to establish dates when any structure not removed daily shall be removed from the  
2 public waters of the state.

3 Section 2. That § 41-15-16.1 be amended to read as follows:

4 41-15-16.1. Any fish house, enclosure, or other sheltering structure left upon the ice of any  
5 public waters of this state for any twenty-four hour period of time after ~~March fifth~~ the removal  
6 date established by rules of the Game, Fish and Parks Commission is deemed abandoned  
7 property and may be seized, taken, or destroyed by the Department of Game, Fish and Parks  
8 unless prior approval is received from an authorized representative of the department granting  
9 a delay in removal ~~after March fifth~~. No liability is incurred by any employee or agent of the  
10 department acting pursuant to this section.